

**LUMPKIN COUNTY
BOARD OF COMMISSIONERS**
Regular Meeting Agenda
Lumpkin County Park & Recreation Community Center
Heritage Room
365 Riley Road
Dahlonega, Georgia

**September 17, 2009
6:00 P.M.**

I. CALL TO ORDER

Chairman Raber

II. INVOCATION

III. APPROVAL OF AGENDA

IV. PROCLAMATION

- City of Dahlonega's 175th Birthday

V. APPROVAL OF MINUTES

- August 20, 2009 Public Hearing 9:00 a.m.
- August 20, 2009 Special Called Meeting 3:45 p.m.
- August 20, 2009 Public Hearing 4:00 p.m.
- August 20, 2009 Regular Meeting 6:00 p.m.
- September 3, 2009 Work Session 9:00 a.m.
- September 10, 2009 Special Called Meeting 10:00 a.m.

VI. REPORTS

- Department reports are on file in the Board of Commissioners Office
- Elected Officials
- Chamber of Commerce
- SPLOST Management – Kevin Hamby
 - Sheriff's Office – Detention Center Control Panel System
 - LCWSA – SPLOST Program

VII. RESOLUTIONS

- 2009-59 Adopt 2010 Budget
- 2009-60 Adopt 2009 Millage Rate
- 2009-61 Create Drug Alcohol Treatment Education (DATE) Advisory Committee
- 2009-62 Tax Commissioner (Real Property, Personal Property, Tax Penalties)

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VIII. CONTRACTS/AGREEMENTS

- Legacy Link, Inc. – Nutrition Program Contract FY-2010 *(renewal)*
- Department of Transportation – Transportation Enhancement MOU *(new)*
- GEMA Performance Partnership Agreement (PPA) *(renewal)*
- Dahlonega-Lumpkin County Chamber of Commerce –Tourism Development Services *(renewal)*
- Georgia Indigent Defense Services Agreement/Public Defender Office *(renewal)*
- Georgia Mountains Regional Commission-Administration Agreement/Hazard Mitigation Grant *(new)*
- Old Republic Ins. Co./Phoenix Aviation Managers, Inc. – Airport Owners & Operators General Liability Coverage *(ratify)*
- LMI of Tucker, Georgia-Judicial Center - Data/Voice Cabling System *(ratify)*
- Operational Security Systems of Atlanta, Georgia-Judicial Center Security Management System/Security Video Surveillance *(ratify)*

IX. OTHER ITEMS

- Temporary Special Event License
 - Forest Hilyer Lumpkin Coalition, Inc. - Hemlockfest 11/06-08/2009
 - Donna Minnich/Dahlonega Arts Council, Inc. – Fall-O-Ween 10/24/2009
- Trail Grant - Phase 4
- ACCG Fall Policy Conference Business Session – Official Call
 - 2009 Fall Policy Conference 10/07-09/2009
- Board of Commissioners October Regular Meeting Date Change
 - Wednesday, October 14, 2009
- Ribbon Cutting – Yahoola Creek Trails *(10/02/2009 at 10:00 a.m.)*
- Ribbon Cutting – Yahoola Creek Park Playground *(10/02/2009 at 11:00 a.m.)*

X. COMMENTS

- COUNTY MANAGER
- CHAIRMAN
- COMMISSIONER
- COUNTY ATTORNEY
- PUBLIC

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XI. ANNOUNCEMENTS

XII. ADJOURN

Chairman Raber

October 2009

- ❖ Work Session – Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center
* date changed to Wednesday – 10/14/2009

October 01, 2009 at 9:00 am
*October 14, 2009 at 6:00 pm

November 2009

- ❖ Work Session – Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center

November 05, 2009 at 9:00 am
November 19, 2009 at 6:00 pm

December 2009

- ❖ Work Session – Park & Rec. Community Center
- ❖ Board Meeting – Park & Rec. Community Center

December 03, 2009 at 9:00 am
December 17, 2009 at 6:00 pm

**REGULAR MONTHLY MEETING OF THE
LUMPKIN COUNTY BOARD OF COMMISSIONERS**

September 17, 2009

CALL TO ORDER

Chairman Raber called the meeting to order at 6:00 p.m. in the Lumpkin County Park & Recreation Community Center, Heritage Room. Present were John Raber, Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle.

INVOCATION

Commissioner Bowden led the invocation which was followed by the pledge of allegiance led by Commissioner Scott.

Chairman Raber asked American Legion member Ralph Jones to explain how the proceeds of the sale of a portion of the American Legion grounds will be spent. Mr. Jones said the Legion will buy acreage for new ball fields to replace the one lost by the sale. He said that a new field will be usable by spring for girls' softball practice.

APPROVAL OF AGENDA

Commissioner Stowers said he wants an executive session at the end of the meeting to discuss litigation. Commissioner Bowden stated that he wants the Trail Grant moved to the October Work Session. Chairman Raber said it should remain on the agenda and could be voted on this evening.

Motion: Commissioner Stowers made a motion to approve the agenda which was seconded by Clarence Grindle. All district commissioners voted approval and the motion carried.

PROCLAMATION

City of Dahlonega's 175th Birthday

Chairman Raber read the proclamation stating appreciation for the City of Dahlonega on this, its 175th Birthday.

Motion: Commissioner Scott moved to approve the motion. The motion was seconded by Tim Bowden and approved by Commissioners Scott, Bowden, Stowers and Grindle. Motion carried.

APPROVAL OF MINUTES

August 20, 2009 Public Hearing 9:00 a.m.

August 20, 2009 Special Called Meeting 3:45 p.m.

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August 20, 2009 Regular Meeting 6:00 p.m.

September 3, 2009 Work Session 9:00 a.m.

September 10, 2009 Special Called Meeting 10:00 a.m.

Motion: Commissioner Stowers made a motion that the minutes be approved by acclamation. The motion was seconded by Clarence Grindle and approved by all district commissioners. Motion carried.

REPORTS

Department reports are on file in the Board of Commissioners Office
Elected Officials

Chamber of Commerce
SPLOST Management – Kevin Hamby
Sheriff's Office – Detention Center Control Panel System

Mr. Hamby spoke about the electronics system, locking hardware and locks at the Detention Center. His recommended approach is to have the systems evaluated. He will then bring an estimate to the board. It was pointed out that these problems existed from the 2002 move-in to the jail. Mr. Hamby said this assessment is needed to determine what is really happening with the systems.

LCWSA – SPLOST Program

Water & Sewerage Authority Director Dudley Owen said he hired attorney Paul Higbee from Jarrard, Davis because he thinks using the County Attorney would be conflict of interest. Mr. Higbee said, in his view, the proposed use of SPLOST funds is an expansion, and not maintenance.

No action was taken.

RESOLUTIONS

2009-59 Adopt 2010 Budget

The resolution establishes and adopts the Lumpkin County Budget for Fiscal Year 2010. Chairman Raber read the resolution and the letter from School Superintendent Dewey Moye.

***Motion:** Commissioner Bowden moved to adopt the 2010 Budget as presented which was seconded by Bill Scott. The motion was approved by Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle. Motion carried.*

2009-60 Adopt 2009 Millage Rate

This resolution establishes the 2009 Ad Valorem Tax Millage Rate. The resolution was read by Chairman Raber.

***Motion** – Commissioner Bowden made a motion to approve. The motion was seconded by Clarence Stowers and approved by all district commissioners. Motion carried.*

2009-61 Create Drug Alcohol Treatment Education (DATE) Advisory Committee

This resolution authorizes the creation of the Lumpkin County Drug Abuse Treatment and Education Fund Advisory Committee and other purposes related to the funds raised. Both magistrate and probate judges want to be on the advisory committee.

***Motion:** Commissioner Stowers moved to approve this resolution which was seconded by Clarence Grindle. All district commissioners approved the motion and the motion carried.*

2009-62 Tax Commissioner (Real Property, Personal Property, Tax Penalties)

This resolution approves the list of uncollectible tax bills as required by the Lumpkin County Tax Commissioner, specifically Dahlonga Tire, Dahlonga Auto, and the City of Dahlonga for the portion of 2008 that the McKinney building was owned by the City. It also concerns the request made by Citizen Huey concerning forgiveness of a portion of monies owed to the Tax Commissioner's Office.

***Motion:** Commissioner Stowers made a motion to approve this resolution. The motion was seconded by Clarence Grindle and approved by Commissioners Scott, Bowden, Stowers and Grindle. Motion carried.*

***Motion:** Commissioner Stowers moved to deny the request of Mr. Huey which was seconded by Clarence Grindle. All district commissioners approved the motion and the motion carried.*

CONTRACTS/AGREEMENTS

Legacy Link, Inc. – Nutrition Program Contract FY-2010 (renewal)

This is an agreement to provide Nutrition, Transportation Services, and Screening Services to the elderly in Lumpkin County.

Term: July 1, 2009 to Midnight June 30, 2010

Amount: Paid by Legacy Link to County – No more than \$93,067.01; Paid by County – Up to \$163,255.00

***Motion:** Commissioner Stowers made a motion to approve this renewal agreement which was seconded by Tim Bowden. All district commissioners approved and the motion carried.*

Department of Transportation – Transportation Enhancement MOU (new)

This agreement provides that Lumpkin County will assume responsibility for 100% of the Preliminary Engineering for the project which may be applied to the 20% local match required by the Georgia Department of Transportation. The Transportation Enhancement (TE) program will provide funding for landscaping and other scenic beautification

***Motion:** Commissioner Stowers moved to approve this agreement. The motion was seconded by Bill Scott and approved by Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle. Motion carried.*

GEMA Performance Partnership Agreement (PPA) (renewal)

In signing this PPA Work Plan/Progress Report, the parties agree to work cooperatively in accomplishing the objectives set forth and to carry out the projects and activities contained in the Work Plan/Progress Report.

Term: FY 2009

***Motion:** Commissioner Scott made a motion to approve which was seconded by Clarence Stowers. All district commissioners approved the motion and the motion carried.*

Dahlonega-Lumpkin County Chamber of Commerce –Tourism Development Services (renewal)

This agreement provides for the responsibilities of the county and the Chamber of Commerce regarding the hotel-motel tax collected by Lumpkin County.

Term: January 1, 2010 - December 31, 2010

***Motion:** Commissioner Scott moved to approve the agreement. The motion was seconded by Tim Bowden and approved by Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle. Motion carried.*

Georgia Indigent Defense Services Agreement/Public Defender Office (renewal)

This agreement is to provide for the operation of an indigent defense system to assure that adequate and effective legal representation is provided, independent of political considerations or private interests, to indigent defendants in criminal cases consistent with the standards adopted by the Georgia Public Defender Standards Council.

***Motion:** Commissioner Bowden made a motion to approve this agreement which was seconded by Bill Scott. Commissioners Scott, Bowden, Stowers and Grindle approved the motion. Motion carried.*

Georgia Mountains Regional Commission-Administration Agreement/Hazard Mitigation Grant (new)

Georgia Mountain Regional Commission will provide technical and other assistance; assist in creating and preparing a draft of the Lumpkin County Hazard Mitigation plan, and other assistance as spelled out in the agreement document.

Term: August 31, 2009 – October 31, 2010

Amount: Not to exceed \$15,937.00 unless otherwise agreed in writing by the two parties (As explained by Mark French and Don Seabolt, EMS Director the cost will be in-kind services by the county.)

***Motion:** Commissioner Bowden moved to approve this agreement. The motion was seconded by Bill Scott and approved by all district commissioners. Motion carried.*

Old Republic Ins. Co./Phoenix Aviation Managers, Inc. – Airport Owners & Operators General Liability Coverage (ratify)

This application is for annual renewal of the Airport Owners and Operators General Liability Insurance for Lumpkin County Wimpy Airport which will be billed through Marsh.

Commissioner Bowden asked about the possibility that the fee would be prorated in the event the county does not maintain operation of the airport. Commissioner Scott said he and Commissioner Stowers will be meeting with the Airport Committee and will bring a recommendation concerning the airport back to the board.

***Motion:** Commissioner Stowers made a motion to ratify this application which was seconded by Clarence Grindle. All district commissioners approved the motion and the motion carried.*

LMI of Tucker, Georgia-Judicial Center - Data/Voice Cabling System (ratify)

According to this agreement the contractor promises to furnish and deliver all the material and to do and perform all the work and labor required to be furnished and delivered, done and performed in and about the improvement or construction of the Facility described above in strict and entire conformity with the provisions of the Contract Documents as defined.

Term: Until completion

Amount: \$139,051.00

***Motion:** Commissioner Bowden moved to ratify this agreement. The motion was seconded by Clarence Stowers and approved by Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle. Motion carried.*

Operational Security Systems of Atlanta, Georgia-Judicial Center Security Management System/Security Video Surveillance (ratify)

According to this agreement the contractor promises to furnish and deliver all the material and to do and perform all the work and labor required to be furnished and delivered, done and performed in and about the improvement or construction of the Facility described above in strict and entire conformity with the provisions of the Contract Documents as defined.

Term: Until completion

Amount: \$161,880.00

***Motion:** Commissioner Bowden made a motion to ratify this agreement which was seconded by Clarence Stowers. The motion was approved by all district commissioners. Motion carried.*

OTHER ITEMS

Temporary Alcoholic Beverage Special Event Licenses

Forest Hilyer Lumpkin Coalition, Inc. - Hemlockfest 11/06-08/2009

***Motion:** Commissioner Stowers moved to approve this license which was seconded by Bill Scott. The motion was approved by Commissioners Scott, Bowden, Stowers and Grindle and the motion carried.*

Donna Minnich/Dahlongega Arts Council, Inc. – Fall-O-Ween 10/24/2009

***Motion:** Commissioner Stowers made a motion to approve this license. The motion was seconded by Commissioner Grindle. All district commissioners approved the motion. Motion carried.*

Letter to OneGeorgia Authority-Support of Bridge Funding

This is a letter of support for bridge funding for the Fiber Optic Project for which the Development Authority of Lumpkin County is the lead applicant.

***Motion:** Commissioner Scott moved to approve this letter which was seconded by Tim Bowden. All district commissioners approved the letter and the motion carried.*

Trail Grant - Phase 4

Motion: Commissioner Scott made a motion to postpone consideration of this grant until the October Work Session. The motion was seconded by Tim Bowden and approved by Commissioners Scott, Bowden, Stowers and Grindle. Motion carried.

ACCG Fall Policy Conference Business Session – Official Call

2009 Fall Policy Conference 10/07-09/2009

No commissioner is planning to attend so no action is needed.

Board of Commissioners October Regular Meeting Date Change

Wednesday, October 14, 2009 6 pm

This vote is necessary to approve changing the date and time of the October Regular Meeting which is being moved to the day before the usual meeting date.

Motion: Commissioner Bowden moved to approve the revised meeting date of October 14, 2009 for the October Regular Meeting. The motion was seconded by Clarence Grindle and approved by all district commissioners. Motion carried.

Ribbon Cutting – Yahoola Creek Trails (10/02/2009 at 10:00 a.m.)

Ribbon Cutting – Yahoola Creek Park Playground (10/02/2009 at 11:00 a.m.)

Motion: Commissioner Bowden made a motion to approve both ribbon cuttings by consent. The motion was seconded by Clarence Stowers. The motion was approved by Bill Scott, Tim Bowden, Clarence Stowers and Clarence Grindle. Motion carried.

COMMENTS

COUNTY MANAGER

The County Manager had no comments.

CHAIRMAN

The Chairman had no comments.

COMMISSIONER

Commissioner Stowers commented that he had been asked about activity near Blackburn Park. He said the area is being cleared for a power line.

Commissioner Scott spoke about the large amount of illness currently being experienced. He also commended the fire department for their 9-11 honoring.

COUNTY ATTORNEY

The County Attorney had no comments.

PUBLIC

Citizen Gerald Lewy pointed out that today is the 227th Birthday of the United States Constitution.

EXECUTIVE SESSION (Litigation)

Motion: Commissioner Bowden made a motion to come out of regular session at 7:05 p.m. This motion was seconded by Clarence Stowers. All district commissioners approved the motion and the motion carried.

Motion: Commissioner Scott moved to go into executive session which was seconded by Clarence Stowers. Commissioners Scott, Bowden, Stowers and Grindle approved the motion. Motion carried.

Motion: Commissioner Stowers made a motion to come out executive session. The motion was seconded by Bill Scott and approved by all district commissioners. Motion carried.

***Motion:** Commissioner Scott moved to return to regular session at 7:19 p.m. The motion was seconded by Clarence Grindle. Bill Scott, Tim Bowden, Clarence Stowers, and Clarence Grindle approved the motion. Motion carried.*

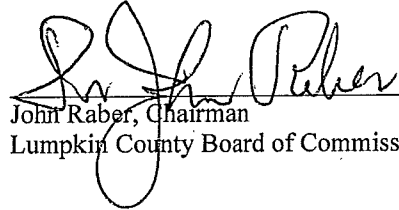
Chairman Raber made the announcement that no actions need to be taken concerning the executive session.

ADJOURN

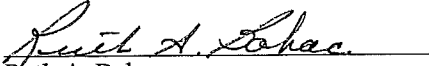
There being no further business the Chairman called for a motion to adjourn.

***Motion:** Commissioner Stowers moved to adjourn the meeting at 7:20 p.m. The motion was seconded by Tim Bowden and approved by all district commissioners. Motion carried and the meeting was adjourned.*

10/14/2009
Date


John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:


Ruth A. Bohac
Clerk, Lumpkin County